

MINUTES

DAKOTA COUNTY PHYSICAL DEVELOPMENT COMMITTEE OF THE WHOLE

June 15, 2010

Conference Room 520, 1 Mendota Road, West St. Paul, Minnesota

1. CALL TO ORDER AND ROLL CALL

Commissioner Paul Krause, Chair of the Physical Development Committee of the Whole, called the meeting to order at 9:00 a.m. Commissioners in attendance:

Commissioner Kathleen Gaylord, District 2
 Commissioner Thomas Egan, District 3
 Commissioner Nancy Schouweiler, District 4
 Commissioner Liz Workman, District 5
 Commissioner Paul J. Krause, District 6
 Commissioner Willis E. Branning, District 7

Absent:

Commissioner Joseph A. Harris, District 1

Also in attendance were:

Brandt Richardson, County Administrator
 Lynn Thompson, Division Director
 Jay Stassen, Assistant County Attorney
 Jeanne Nash Hoffmann, Administrative Coordinator

2. INTRODUCTION OF NEW STAFF

Transit Specialist Sam O'Connell introduced Joe Morneau, Transit Specialist, in the Transit Office of the Transportation Department.

Division Director Lynn Thompson introduced Amethyst Cirimo, ICMA Fellow that will be working in the Physical Development Division.

3. AUDIENCE

Chair Krause asked if anyone in the audience wished to address the Committee on an item not on the agenda or if anyone wished to discuss an item on the Consent Agenda. No one came forward.

4. APPROVAL OF THE AGENDA

Motion by Commissioner Egan, Second by Commissioner Workman, and passed on a 6-0 vote (in the absence of Commissioner Harris) to approve the agenda as presented on June 15, 2010.

5. CONSENT/INFORMATION AGENDA

Motion by Commissioner Gaylord, Second by Commissioner Egan, and passed on a 6-0 vote (in the absence of Commissioner Harris) to approve the consent agenda.

5.1 – Minutes Of The May 11, 2010 Meeting

5.2 – Authorization To Submit State Fiscal Year 2012 Lessard-Sams Conservation Partners Legacy Program For Lebanon Hills Storm Water Management Plan Implementation

WHEREAS, in 2008, Minnesota residents approved a Minnesota Constitutional amendment to increase the State sales and use tax rate and to dedicate this revenue to protecting, improving and enhancing natural land and water

resources, providing increased hunting and fishing opportunities, improving park and trail opportunities and facilities, and benefiting arts and preserve cultural heritage; and

WHEREAS, the 2009 Minnesota Legislature provided direction on the administration and dispersal of the dedicated revenue through various agencies and grant programs, including the Lessard-Sams Conservation Partners Legacy Program (CP Legacy Program) administered by the Department of Natural Resources (DNR); and

WHEREAS, by Resolution No. 05-668 (December 20, 2005), the Dakota County Board of Commissioners approved the 2006 Lebanon Hills Storm Water Management Plan (Management Plan); and

WHEREAS, the goal of the Management Plan is to manage storm water runoff volumes, enhance water quality, and maintain groundwater recharge within the Lebanon Hills Regional Park watersheds in an ecologically appropriate manner; and

WHEREAS, portions of the Management Plan remain to be implemented, including design and construction of outlet control structures on nine lakes or ponds within Lebanon Hills Regional Park; and

WHEREAS, the intent of the outlet control structures is to improve management of excess storm water and improve habitat for fish thereby improving angling opportunities; and

WHEREAS, the DNR has recommended that Dakota County consider a grant application to the CP Legacy Program to fund outlet control structures on lakes and ponds within Lebanon Hills Regional Park that offer the most potential for improving habitat for fish, as well as accomplishing the goals of the Management Plan; and

WHEREAS, Park staff has prioritized the construction of four outlet control structures at an estimated cost of \$75,000 - \$90,000; and

WHEREAS, staff proposes to do further evaluation to determine the preferred number, location and cost of outlet control structures for the most competitive grant application; and

WHEREAS, grant applications to the CP Legacy Program are due by July 15, 2010; and

WHEREAS, grant applications to the CP Legacy Program must include a resolution of support from the Dakota County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby supports and authorizes the Parks and Open Space Department to submit a grant application to the DNR for Lessard-Sams Conservation Partners Legacy Program in an amount not to exceed \$90,000, for the final design and construction of priority lake and pond outlet control structures within Lebanon Hills Regional Park to improve storm water management, fish habitat and angling opportunity; and

BE IT FURTHER RESOLVED, That, if Dakota County's grant request is selected for funding, staff will return to the County Board to review local grant requirements and obtain authorization to execute the grant agreement.

5.3 – Authorization To Execute Contract Amendment With Toltz, King, Duvall, Anderson and Associates, Inc. For Engineering Services for Mississippi River Regional Trail

WHEREAS, by Resolution No. 99-526 (September 21, 1999), the Dakota County Board of Commissioners adopted the Draft Mississippi River Regional Trail (MRRT) Development Plan; and

WHEREAS, the central segment (from the intersection of Cahill Avenue and Old Concord Boulevard in Inver Grove Heights, then south to the Pine Bend Bluffs State Natural Area) of the MRRT is scheduled for construction as soon as the preferred alignment alternative has been selected and engineering completed; and

WHEREAS, by Resolution No. 08-617 (December 16, 2008), the County Board authorized a contract with Toltz, Duvall, Anderson, And Associates, Inc. (TKDA), in the amount of \$53,900, for design and engineering services of the MRRT central segment; and

WHEREAS, by Resolution No. 09-367 (July 21, 2009), the County Board amended the contract in the amount of \$8,300, for a new contract total of \$62,200, for additional design and engineering services necessary to develop and evaluate alignment alternatives; and

WHEREAS, staff administratively amended the contract to extend the term of the contract from December 31, 2009 to August 31, 2010, to allow additional public process; and

WHEREAS, at a May 19, 2010 project open house, the public identified a potential alignment on the west side of Park Lake which staff believes has the potential to offer a high quality trail experience; and

WHEREAS, a feasibility study is required to determine the potential of the Park Lake alternative, which is not included in the existing TKDA contract; and

WHEREAS, staff has negotiated a not-to-exceed fee of \$29,000 for TKDA to accomplish the required tasks, including \$21,500 for engineering; \$7,500 for landowner meetings, utility and railroad coordination tasks and contingency; and

WHEREAS, the existing TKDA contract expiration date will need to be extended to March 31, 2011 to reflect the new schedule; and

WHEREAS, once a trail alignment has been approved by both the City of Inver Grove Heights and the County Board, staff will return to the County Board and seek authorization for a contract amendment with TKDA to allow for final construction documents to be able to build the trail in 2011.

WHEREAS, the 2010 Dakota County Capital Improvement Program includes adequate funds for the additional engineering services for the MRRT central segment.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract amendment with Toltz, King, Duvall, Anderson, and Associates, Inc. for additional design and engineering of the central segment of the Mississippi River Regional Trail in an amount not to exceed \$29,000, including reimbursements, for a contract total of \$91,200, and to extend the term of the contract to March 31, 2011, subject to approval by the County Attorney's office as to form.

5.4 – Plat Commission Update – This was an information item; no action was requested.

6. REGULAR AGENDA

6.1 – Implementation Of Comprehensive Plan: Progress Report 2010

Planning Supervisor Kurt Chatfield provided the 2010 progress report on DC 2030 and responded to questions. Discussion was held on the need to include a transit element for senior facilities. Discussion was also held on the need for rules of the road for biking and vehicle interface including non-motorized and motorized modes of transportation. Staff will work on recommending standards in the Greenways Guidelines that will address concerns. This was an information item; no action was requested.

6.2 – Update On Wetland Health Evaluation Program

Water Education Coordinator Paula Liepold briefed this item and responded to questions. This was an information item, no action was requested.

6.3 – Authorization To Execute Amended Agreement With CenterPoint Energy Resources Corporation For Relocation Of Utilities On County Project 70-06 In Lakeville

Transportation Director Mark Krebsbach and Assistant County Attorney Jim Crow briefed this item and responded to questions. Discussion centered on how the County's liability could be minimized in these cases. Mark indicated that discussions were already being held within organizations made up of governmental entities affected by these large awards. Discussion was also held on the need to pursue a legislative remedy. It was noted that the project is completed.

Motion by Commissioner Gaylord, Second by Commissioner Egan, and passed on a 6-0 vote (in the absence of Commissioner Harris) to recommend that the County Board adopt the following resolution:

WHEREAS, County Project (CP) 70-06 included the reconstruction of 1.3 miles of County State Aid Highway (CSAH) 70, the replacement of the bridge over Interstate 35, the reconstruction of interchange ramps, and the realignment of frontage roads and CSAH 5 in the City of Lakeville; and

WHEREAS, CenterPoint Energy Resources Corporation (CenterPoint) gas transmission and distribution pipelines within CenterPoint easement areas near the realignment of CSAH 5 were required to be relocated to new easement areas to move forward with CP 70-06; and

WHEREAS, by Resolution No. 08-132 (March 18, 2008), the County Board approved executing an agreement with CenterPoint based on an estimated cost of \$460,000; and

WHEREAS, the cost estimate included anticipated costs for engineering, materials, construction, easement acquisition and legal fees; and

WHEREAS, the additional costs for easement acquisition, utility relocation, condemnation, and legal fees are \$270,000 for a total relocation cost of \$730,000; and

WHEREAS, Dakota County and CenterPoint need to amend the relocation agreement due to the higher cost; and

WHEREAS, by Resolution No. 09-601 (December 15, 2009), the County Board amended the Transportation Capital Improvement Program (CIP) budget for CP 70-06 to account for the additional relocation costs; and

WHEREAS, Dakota County will share the CenterPoint relocation costs with the City of Lakeville in accordance with County policy.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an amended agreement with CenterPoint Energy Resources Corporation for the relocation of gas transmission and distribution pipelines, in the amount of the actual cost, not to exceed \$730,000, subject to approval by the County Attorney's Office as to form.

6.4 – Authorization To Convey Excess Right Of Way Parcel 3(301) on County Project 70-06 In Lakeville

Motion by Commissioner Gaylord, Second by Commissioner Workman, and passed on a 6-0 vote (in the absence of Commissioner Harris) to recommend that the County Board adopt the following resolution:

WHEREAS, County Project (CP) 70-06 included the reconstruction of 1.3 miles of County State Aid Highway (CSAH) 70, the replacement of the bridge over Interstate 35, and the reconstruction of ramps, loops, signals, frontage roads, and CSAH 5 in the City of Lakeville; and

WHEREAS, CP 70-06 included the relocation of CenterPoint Energy Resources Corporation (CenterPoint) gas transmission and distribution pipelines and a pipeline easement acquisition from Dennis and Ila Dunham (Dunhams) near the realignment of CSAH 5 to move forward with the project; and

WHEREAS, Dakota County has a contract with Centerpoint to reimburse CenterPoint for its costs of acquisition of a new pipeline easement from the Dunhams; and

WHEREAS, Parcel 3 on Dakota County Right of Way Map No. 301, is a 7,238 square foot (0.17 acre) narrow triangle shaped parcel along former CSAH 5 that was obtained at no cost by the County from Minnesota Department of Transportation (Mn/DOT) as part of the right of way for old Highway 65, and following completion of CP 70-06 and the obliteration of this portion of the CSAH 5 roadway, the County Engineer has determined that Parcel 3(301) is excess County right of way; and

WHEREAS, the Dunhams, who are the underlying property owners for Parcel 3 (301), have requested that the County convey the excess right of way Parcel 3(301) as part of their complete and final settlement with CenterPoint for the damages from the acquisition of the pipeline easement; and

WHEREAS, the County desires to vacate this excess right of way to facilitate the settlement between the Dunhams and CenterPoint because it will finalize CenterPoint's easement acquisition costs, including the costs of a jury trial in District Court, which costs the County is required to reimburse to CenterPoint, and it will reduce the County's liability and maintenance costs for this parcel; and

WHEREAS, the County Board has authority pursuant to Minn. Stat. § 163.11, subd. 4, to vacate any portion of a county highway when a newly established or relocated highway is opened for travel, which takes the place of said portion of a highway, subject to the rights of existing utilities pursuant to Minnesota Rule 7819.3200.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby vacates and extinguishes the right of Dakota County to use said Parcel 3(301) as public highway right of way, subject to the right of the County and all right of way users having facilities in the vacated right of way to install, maintain and operate facilities in the vacated right of way and to enter upon the right of way at any time to reconstruct, inspect, maintain or repair the facilities; and

BE IT FURTHER RESOLVED, That the County Board Chair is hereby authorized to execute a quit claim deed to the Dunhams so releasing the County's interest in right of way Parcel 3(301), subject to approval by the County Attorney's Office as to form.

6.5 – Information on Minnesota Office Of Legislative Auditor's Transit Governance Evaluation And Regional Transitway Guidelines

Transportation Director Mark Krebsbach briefed the Committee on the focus of the Legislative Auditor's Transit Governance Evaluation and also on the Met Council's effort to create regional transitway guidelines. The County Board will be meeting with the Minnesota Valley Transit Authority Board later today and both of these items will be discussed. The meeting starts at 3:30 at the MVTA Bus Facility in Burnsville. This items was for information only, no action was requested.

DIRECTOR'S REPORT

Physical Development Division Director Lynn Thompson presented her update.

ADJOURNMENT

Motion by Commissioner Schouweiler, Second by Commissioner Workman, and passed on a 6-0 vote (In the absence of Commissioner Harris) to adjourn the meeting at 10:55 a.m.

Respectfully submitted:

Jeanne Nash Hoffmann
Administrative Coordinator